

REMARKS

This is being filed responsive to the non-final Office Action mailed February 15th, 2008 and subsequent to the filing of the second Notice of Appeal. In the Office Action, all claims were rejected on basis of Jijina under 35 U.S.C. § 103(a). However, that reference qualifies as prior art only under 35 U.S.C. § 102(e) and is commonly owned subject matter not available as a reference under 35 U.S.C. § 103(c). Accordingly, this paper is being filed solely to submit evidence of this common ownership.

Other Evidence After Appeal 37 CFR §41.33

The subject matter of the Jijina reference and that of the claimed invention were, at the time the claimed invention was made, owned by the same entity or subject to an obligation of assignment to the same entity. Thus, Jijina is not proper prior art for purposes of a rejection under 35 U.S.C. § 103. Attached to this paper is a copy of the Patent Assignment Abstract of Title from the USPTO website for both this application and the Jijina reference showing that they have, in fact, been assigned to a common owner. This Abstracts are being submitted in compliance with 37 C.F.R. §41.33(d)(1) governing, *inter alia*, evidence after appeal. Section (d)(1) states:

An affidavit or other evidence filed after the date of filing an appeal pursuant to §41.31(a)(1) through (a)(3) and prior to the date of filing a brief pursuant to §41.37 may be admitted if the examiner determines that the affidavit or other evidence overcomes all rejections under appeal and that a showing of good and sufficient reasons why the affidavit or other evidence is necessary and was not earlier presented has been made.

Accordingly, this evidence is being submitted to reduce issues on appeal by overcoming all claim rejections made in the last Office Action. Furthermore, this evidence was not presented earlier because no such § 103 rejection involving Jijina had been made.

Accordingly, Applicant respectfully requests the entry of this document into evidence in accordance with §41.33(d)(1).

The Examiner is invited to telephone the undersigned if doing so would advance prosecution of this application.

The Commissioner is hereby authorized to charge any required fees or refund any overpayment associated with this communication to Deposit Account No 07-0960.

Respectfully submitted,

REISING, ETHINGTON, BARNES, KISSELLE, P.C.

/James D. Stevens/

Date: August 14, 2008
JDS/ECC

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Assignments on the Web > Patent Query

Patent Assignment Abstract of Title

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For pending or abandoned applications please consult USPTO staff.***

Total Assignments: 1**Patent #:** NONE**Issue Dt:****Application #:** 10079865**Filing Dt:** 02/21/2002**Publication #:** 20030158946**Pub Dt:** 08/21/2003**Inventor:** Uma Arunkumar**Title:** Speedy delivery of communication to a vehicle**Assignment: 1****Reel/Frame:** 012623/0772**Recorded:** 02/21/2002**Pages:** 2**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignor:** ARUNKUMAR, UMA**Exec Dt:** 02/18/2002**Assignee:** GENERAL MOTORS CORPORATION
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DETROIT, MICHIGAN 48265**Correspondent:** GENERAL MOTORS CORPORATION
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Patent Assignment Abstract of Title

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Total Assignments: 1**Patent #:** 6904141**Issue Dt:** 06/07/2005**Application #:** 10001941**Filing Dt:** 11/30/2001**Publication #:** 20030103599**Pub Dt:** 06/05/2003**Inventors:** Jasmin Jijina, John J. Correia, Ronald W. Fraser, William E. Mazzara JR. et al**Title:** METHOD AND DEVICE FOR REMOTELY ROUTING A VOICE CALL**Assignment: 1****Reel/Frame:** 013550/0873**Recorded:** 11/21/2002**Pages:** 4**Conveyance:** ASSIGNMENT OF ASSIGNORS INTEREST (SEE DOCUMENT FOR DETAILS).**Assignors:** JIJINA, JASMIN**Exec Dt:** 01/30/2002

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FRASER, RONALD W.

Exec Dt: 01/30/2002

MAZZARA, WILLIAM E. JR.

Exec Dt: 01/30/2002

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